

The Asphalt General FESOP Frequently Asked Questions from the Applicant

1. What is the main differences between the draft general FESOP and the previously issued asphalt FESOPs?

The Potential To Emit (PTE) is more stringently limited. There is a production limit of 600,000 tons of asphalt mix per year in the general FESOP. Volatile Organic Compounds (VOC) emissions from the manufacture of cold mix asphalt are determined by a more accurate method based on the VOC content of each type of asphalt product produced where previously the greatest possible VOC emissions were assumed. Each type of fuel used is limited so that emissions of nitrogen oxides (NOx) and sulfur dioxide (SO₂) are both limited to less than 50 tons per year (TPY).

The general FESOP allows for co-location of two plants without the exceeding the Title V thresholds. This is accomplished by limiting each plant to total emissions of less than 50 TPY of every regulated pollutant. When two plants, owned or operated by the same company, operate at the same location, the total emissions will be limited to less than the Title V threshold of 100 tons per year.

Compliance monitoring is done through visible emission (VE) notations from the dryer/burner process stack, performed twice in the morning and twice in the afternoon. Each reading must be taken at least one hour after the previous reading. There is no pressure drop reading required since the VE notations are a more reliable indication of compliance for asphalt baghouses.

There are different applicability requirements for modifications of the plant. These requirements are described in the response to FAQ # 8, set out below.

There are no requirements that a draft of the permit be placed on public notice, be available for public comment, or be the subject of a public hearing. The asphalt General FESOP was public noticed in the Indiana Register on December 1, 2000. There was an opportunity for public comment on the draft and for anyone to request a public hearing. Since the public notice has already occurred and the conditions in the general FESOP are the same for each source, the general permit does not need to be public noticed each time a source applies for one.

The permit fees are lower over the term of the permit. The asphalt general FESOP has a \$500 application fee but the annual operating fee is only \$1,000. A source seeking a FESOP renewal would have no application fee but would continue to pay an annual operating fee of \$1,500.

2. For the stack test requirement, when would the time period start? Does it start from the date of the last stack test or the date of the issuance of the permit?

OAQ has determined that it is necessary to stack test once every 5 years to adequately demonstrate compliance. Sources will be required to continue to submit plans every 5 years according to their current schedule. The five year period starts from the date of the last stack test.

3. Can the quarterly reporting be changed back to semi-annual reporting?

OAQ is no longer requiring sources to report deviations in 10 days; instead the source will now be required to report deviations quarterly on the Quarterly Deviation and Compliance Monitoring Report.

OAQ has determined that more frequent reporting is appropriate.

4. Will there be a General Permit in the future for those sources that use scrubbers instead of baghouses?

This has not yet been determined.

5. Emission statements are currently not required for all FESOP sources. Would all the sources with the General Permit be required to submit Emission Statements?

Not all sources will be required to submit emission statements. Permittees located or relocated in Clark, Elkhart, Floyd, Lake, Marion, Porter, St. Joseph and Vanderburgh counties as specified in 326 IAC 2-6-1 shall submit an annual emission statement certified pursuant to the requirements of 326 IAC 2-6. (Note: This response was updated on Nov 8, 2001 to correspond with the answer given to the addendum to the TSD for the draft General FESOP.)

6. Clarification is needed concerning the observance of bag failure and when action must be taken.

The Monitoring Baghouse on the Dryer/ Burner Process Stack requires the implementation of the Compliance Response Plan when visible emissions are observed. The Broken or Failed Bag Detection condition does not require immediate shut down of the entire operation of the plant when visible emissions are observed. It does require immediate shut down of the affected compartments of a multi-compartment unit if a bag failure has been observed or when a single compartment baghouse fails, the material feeding system to the dryer shall cease operation immediately.

A bag failure may qualify as an "emergency" as defined in the Section B Emergency Provisions condition for purposes of an affirmative defense against a violation of the specific permit condition; however, once the bag failure is observed, continuing to operate the equipment and venting uncontrolled particulate matter to the atmosphere may not be considered an attempt by the permittee to take all reasonable steps to minimize levels of emissions that exceed an emission standard or other requirements in the permit.

7. What is the source required to do when they no longer can or wish not to comply with the General Permit?

The source should apply for a regular FESOP or Title V. The source will be required to operate under the General FESOP until a new operating permit is issued to the source.

8. How will amendments/ modifications be handled under the GAP?

Provided the source will still meet the applicability criteria of the general FESOP after the change/ modification, the source can submit an amendment request and implement the changes addressed in the request immediately upon submittal of the request. The amendment request may or may not require revising the general FESOP for that source, but will provide a mechanism for notification and review of changes. Pursuant to 326 IAC 2-8-10(a)(12)(FESOP administrative permit amendments), an administrative amendment is a FESOP revision that "allows for a change or modification that meets the applicability criteria and can meet and will comply with the operational limitations for a source specific operation agreement under 326 IAC 2-9 or a general permit under 326 IAC 2-12 or section 18 of this rule [ie. 326 IAC 2-8-18] and does not require an adjustment to the potential to emit of the source." Pursuant to 326 IAC 2-8-10(b)(3), "the source may implement the changes

addressed in the request for an administrative amendment immediately upon submittal of the request.” Pursuant to 326 IAC 2-8-18(c) (FESOP general permits), “ A source that requests and is granted authority to operate under a FESOP general permit shall be subject to enforcement action for operation without a permit if their source is later determined not to qualify for the conditions and terms of the FESOP general permit.” Any application for a revision or modification that would change a standard term or condition of the General FESOP may be treated as an application for a regular FESOP.

9. What is the application fee? What is the annual fee and when is it due?

The application fee is \$500. The annual fee is \$1,000, and it is due April 1st of each year.

10. If a company received a FESOP last year, can it apply for a general FESOP now?

Yes. If an existing source has previously been issued a permit, it can apply for the general FESOP.

11. Can a new source be issued a general FESOP? What is required of a new source?

A source must be an existing source to receive a general FESOP. A new source can request a regular FESOP with construction conditions initially and, after issuance of a construction permit, apply for a general FESOP.

12. Does the general permit require PMP and CRPs?

Yes, both preventive maintenance plans and compliance response plans are required, as in a regular FESOP.

13. Will the asphalt general FESOP have different fugitive dust plan requirements than a regular FESOP?

No. The asphalt general FESOP has the same fugitive dust plan requirements as a regular FESOP. Each source will control fugitive particulate matter according to the fugitive dust plan submitted by the Permittee to IDEM.